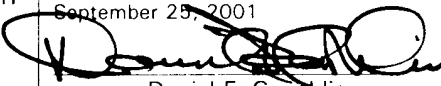




388450.0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wayne P. Franco	37 C.F.R. § 1.8 Certificate of Mailing I hereby certify that this correspondence is today being deposited with the U.S. Postal Service in an envelope with appropriate postage affixed thereto and addressed to Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231. September 25, 2001  Daniel F. Coughlin
Serial No.:	09/828,330	
Filing Date:	April 6, 2001	
Group Art Unit	1623	
Examiner	unassigned	
Title of Application:	Methods of Use of Fibroblast Growth Factor, Vascular Endothelial Growth Factor and Related Proteins in the Treatment of Acute and Chronic Heart Disease	

September 25, 2001

BOX Missing Parts
Commissioner for Patents
Washington, DC 20231

Attention: Customer Service Center
Initial Patent Examination Division

RESPONSE TO NOTICE TO FILE MISSING PARTS

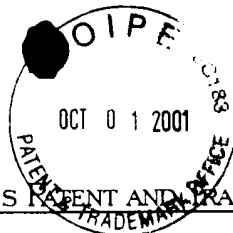
Sir:

Applicant submits herewith in connection with the above-identified patent application an executed Declaration to comply with the Notice to File Missing Parts of Application, which was mailed on May 25, 2001 (copy enclosed). Also enclosed is a Petition for two months extension of time. With regard to the fees due, the Commissioner is hereby authorized to charge all fees to Deposit Account No. 11-0231.

Respectfully submitted,

By: 

Daniel F. Coughlin, Reg. No. 36,111
Cummings & Lockwood
P. O. Box 1960
New Haven, CT 06509-1960
Tele: (203) 351-4622



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/828,330	04/06/2001	Wayne P. Franco	03320-P0001B

CONFIRMATION NO. 5651

24126

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

FORMALITIES LETTER



OC000000006119110

Date Mailed: 05/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/03/2001 BABRAHA1 00000057 110231 09828330 FILED UNDER 37 CFR 1.53(b)
01 FC:205 65.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been **omitted** from the application:

- Page(s) **40, 50, 57 and 82** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.


II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE